

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : Richard R. Bott et al  
Serial No. : 10/576,356  
Filed : December 11, 2006  
Title : PREPARATIONS FOR TOPICAL APPLICATION AND METHODS OF  
DELIVERING AN ACTIVE AGENT TO A SUBSTRATE  
Docket : DOG 0101 PA/35319.68  
Examiner : Woodward, Michael P  
Art Unit : 1615  
Confirm. No. : 9374

EFS Web Electronic Submission  
February 5, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§ 1.56, 1.97, AND 1.98

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 CFR §1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56(a). While the information referred to in this Supplemental Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Supplemental Information Disclosure Statement is not intended to, pursuant to 37 CFR §1.97(h), constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103, and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish otherwise. Further, pursuant to 37 CFR §1.97(g), the filing of this Statement should not be construed as a statement that a search has been made or that no other material information exists.

The material submitted in the instant Supplemental Information Disclosure Statement was brought to Applicant's attention in an Office Action in Applicant's co-pending patent application. The co-pending application is Serial No. 11/248,017.

Serial No. 10/576,356  
Docket DOG 0101 PA/35319.68

This Supplemental Information Disclosure Statement is being filed within the period set forth in 37 CFR §1.97(b) because it is being filed before the mailing of a first Office action on the merits.

The Office has waived the requirement pursuant to 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. Therefore, no copies of each cited U.S. patent and each cited U.S. patent application publication are enclosed, but the cited U.S. patents and the cited U.S. patent application publications are listed on PTO/SB/08a.

Respectfully submitted,  
DINSMORE & SHOHL LLP

By /Timothy W. Hagan/  
Timothy W. Hagan  
Registration No. 29,001

One Dayton Centre  
One South Main Street, Suite 1300  
Dayton, Ohio 45402-2023  
Telephone: (937) 449-6400  
Facsimile: (937) 449-6405

TWH/AMM  
Encl.